

Myrick	Rogers	Talent
Nethercutt	Rohrabacher	Tate
Neumann	Roth	Tauzin
Ney	Royce	Taylor (NC)
Norwood	Salmon	Tejeda
Nussle	Scarborough	Thomas
Ortiz	Schaefer	Thornberry
Oxley	Seastrand	Tiahrt
Packard	Sensenbrenner	Trafigant
Parker	Shadegg	Volkmer
Paxon	Shuster	Vucanovich
Payne (VA)	Sisisky	Waldholtz
Peterson (MN)	Skeen	Walker
Petri	Skelton	Walsh
Pickett	Smith (MI)	Wamp
Pombo	Smith (TX)	Watts (OK)
Portman	Solomon	Weldon (FL)
Poshard	Souder	Weller
Quillen	Spence	Whitfield
Radanovich	Stearns	Wicker
Riggs	Stenholm	Young (AK)
Roberts	Stockman	Zeliff
Roemer	Stump	

NOT VOTING—11

Clement	Fields (LA)	Tucker
Conyers	Hunter	Velazquez
de la Garza	Serrano	Weldon (PA)
Duncan	Smith (WA)	

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Thereupon, the SPEAKER pro tempore, Mr. EWING, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

139.11 D.C. APPROPRIATIONS, FY 1996

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 252 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

Mr. HASTINGS of Florida, Chairman, resumed the chair; and after some time spent therein,

139.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GUNDERSON:

At the end of the bill, add the following:

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term "average daily membership", when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the au-

thority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term "District of Columbia government" does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from pre-kindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(21) METROBUS AND METRO RAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31-401 and 31-402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term "Panel" means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term "parent" means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term "petition" means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term "school" means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under

section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) **SCHEDULE.**—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) **PUBLIC HEARING.**—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) **NOTICE.**—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) **APPROVAL OR DENIAL.**—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) **TIMETABLE.**—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) **EXTENSION.**—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) **EXPLANATION.**—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) **APPROVED PETITION.**—

(1) **NOTICE.**—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) **CHARTER.**—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) **SPECIAL RULES FOR FIRST YEAR.**—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) **EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.**—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) **DUTIES.**—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) **POWERS.**—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) **PROHIBITIONS AND OTHER REQUIREMENTS.**—

(1) **CONTRACTING AUTHORITY.**—

(A) **NOTICE REQUIREMENT.**—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) **SUBMISSION TO AUTHORITY.**—

(i) **DEADLINE FOR SUBMISSION.**—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) **EFFECTIVE DATE OF CONTRACT.**—

(I) **IN GENERAL.**—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) **EXCEPTION.**—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) **TUITION.**—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) **CONTROL.**—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) **AUDITS.**—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) **GOVERNANCE.**—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) **OTHER STAFF.**—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) **OTHER STUDENTS.**—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) **TAXES OR BONDS.**—A public charter school shall not levy taxes or issue bonds.

(9) **CHARTER REVISION.**—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provi-

sions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

- (i) Student performance on any district-wide assessments.
- (ii) Grade advancement for students enrolled in the public charter school.
- (iii) Graduation rates, college admission test scores, and college admission rates, if applicable.
- (iv) Types and amounts of parental involvement.
- (v) Official student enrollment.
- (vi) Average daily attendance.
- (vii) Average daily membership.
- (viii) A financial statement audited by an independent certified public accountant.
- (ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding \$500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

- (A) Pre-school.
- (B) Pre-kindergarten.
- (C) Any grade or grades from kindergarten through 12th grade.
- (D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

- (i) constitutes gross negligence;
- (ii) constitutes an intentional tort; or
- (iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school

shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

- (1) is a teacher or staff member who is employed at the school;
- (2) is a parent of a student attending the school; or
- (3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to non-resident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

- (1) students enrolled in the school at the time that the petition is granted;
- (2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any

time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District

of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) **EMPLOYMENT STATUS.**—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216 et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) **ELEMENTARY AND SECONDARY EDUCATION ACT.**—

(i) **TREATMENT AS LOCAL EDUCATIONAL AGENCY.**—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) **ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.**—

(A) **PUBLIC CHARTER SCHOOLS.**—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) **DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) **NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.**—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) **AGGREGATE NUMBER OF ELIGIBLE PUPILS.**—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) **ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.**—

(A) **CALCULATION BY SECRETARY.**—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) **ALLOCATION.**—

(i) **PUBLIC CHARTER SCHOOLS.**—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) **DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) **USE OF ESEA FUNDS.**—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) **INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.**—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) **PROPERTY AND SALES TAXES.**—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) **OVERSIGHT.**—

(i) **IN GENERAL.**—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) **PRODUCTION OF BOOKS AND RECORDS.**—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) **FEES.**—

(i) **APPLICATION FEE.**—An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

(2) **ADMINISTRATION FEE.**—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) **IMMUNITY FROM CIVIL LIABILITY.**—

(i) **IN GENERAL.**—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) **COMMON LAW IMMUNITY PRESERVED.**—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) **TERM.**—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) **APPLICATION FOR CHARTER RENEWAL.**—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(i) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) **APPROVAL OF CHARTER RENEWAL APPLICATION.**—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education,

and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering authority described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in

subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start**SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

“(b) EVEN START.—

“(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated \$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

“(A) for fiscal year 1996, \$2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

“(B) for fiscal year 1997, \$3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

“(C) for fiscal year 1998, \$5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

“(D) for fiscal year 1999, \$5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

“(E) for fiscal year 2000, \$5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).”

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting “(1)” after “1002(b)”;

(2) in section 1202(b), by inserting “(1)” after “1002(b)”;

(3) in section 1202(d)(1)—

(A) by inserting “(1)” after “1002(b)”;

(B) by inserting “or under section 1211,” after “subsections (a), (b), and (c).”;

(4) in section 1202(d)(3), by inserting “(1)” after “1002(b)”;

(5) in section 1202(e)(4), by striking “, the District of Columbia.”;

(6) in section 1204(a), by inserting “intensive” after “cost of providing”;

(7) in section 1205(4), by inserting “, intensive” after “high-quality”;

(8) in section 1206(b)(1), by striking “described in subsection (a)”;

(9) by adding at the end the following new section:

“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

“(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the ‘National Evaluation of the Even Start Family Literacy Program’, such as providing intensive services in parent training and adult literacy or adult education.

“(b) DEFINITION OF ‘ELIGIBLE’.—For the purpose of this section, the term ‘eligible entity’ means a partnership composed of at least—

“(1) a public school in the District of Columbia;

“(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

“(3) a private nonprofit community-based organization.

“(c) USES OF FUNDS; COST-SHARING.—

“(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

“(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary’s satisfaction that such entity otherwise would not be able to participate in the program under this section.

“(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than \$250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

“(A) such entity needs additional funds to be effective; and

“(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

“(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

“(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

“(e) ELIGIBLE PARTICIPANTS.—

“(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

“(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

“(i) is eligible to participate in an adult education program under the Adult Education Act; or

“(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

“(B) any child, from birth through age 7, of an individual described in subparagraph (A).

“(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

“(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(g) SELECTION OF GRANTEEES.—In awarding grants under this section, the Secretary shall—

“(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

“(2) give priority to applications for programs that—

“(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

“(B) are located in areas designated as empowerment zones or enterprise communities.

“(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b)

shall apply to grants made under this section, except that—

“(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

“(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

“(i) TECHNICAL ASSISTANCE AND EVALUATION.—

“(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local non-profit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

“(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

“(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

“(i) intensive and high quality services in adult literacy or adult education;

“(ii) intensive and high quality services in parent training;

“(iii) coordination with related programs;

“(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

“(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

“(ii) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

“(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.”.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the “World Class Schools Panel”.

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) “world class”, including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) SUBMISSION TO SECRETARY.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) TERMS.—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) CHAIRPERSON.—The members of the Panel shall select a chairperson from among them.

(e) DATE OF APPOINTMENT.—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) PROHIBITION ON PROXY VOTING.—No individual may vote, or exercise any other power of a member, by proxy.

(2) FINAL DECISIONS.—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) NO PAY FOR PERFORMANCE OF DUTIES.—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid at a rate that exceeds the maximum rate of basic

pay payable for GS-15 of the General Schedule.

(c) **EXPERTS AND CONSULTANTS.**—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) **IN GENERAL.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) **DEADLINE.**—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) **ADMINISTRATION OF ASSESSMENTS.**—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) **DISSEMINATION OF INFORMATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) **LIMITATION.**—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

SEC. 2263. PROMOTION GATES.

(a) **KINDERGARTEN THROUGH 4TH GRADE.**—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) **5TH THROUGH 8TH GRADES.**—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) **9TH THROUGH 12TH GRADES.**—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) **INTERIM DEADLINE.**—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) **IN GENERAL.**—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) **FORMULA.**—

(1) **IN GENERAL.**—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) **FORMULA CALCULATION.**—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) **EXCEPTION.**—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) **DEFINITION.**—The Mayor and the District of Columbia Council shall develop a definition of the term “students with special needs” for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) **SCHOOL REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) **SPECIAL RULE.**—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) **CALCULATION OF NUMBER OF STUDENTS.**—Not later than 30 days after the date

of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including non-resident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including non-resident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including non-resident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) **ANNUAL REPORTS.**—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) **AUDIT OF INITIAL CALCULATIONS.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) **CONDUCT OF AUDIT.**—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) **SUBMISSION OF AUDIT.**—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Comptroller General of the United States

\$75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) 1997 INITIAL PAYMENT.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated \$200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying \$6,300 by $\frac{1}{2}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by $\frac{1}{2}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the “Agreement”) authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) AGREEMENT PROVISIONS.—The Agreement shall include the following:

(1) GENERAL AUTHORITY.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the “Preliminary Facilities Master Plan 2005” (prepared by the Superintendent’s Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) COOPERATION.—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603, in any way necessary, to ensure implementation of the Agreement.

(c) DURATION OF AGREEMENT.—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) PROCEEDS.—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the General Services Administration.

(2) FACILITIES.—The term “facilities” means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, \$2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all requirements found in the document “The District of Columbia Public Schools Standard Contract Provisions” published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education “D.C. Desk”**SEC. 2401. ESTABLISHMENT.**

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the “D.C. Desk”).

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School**SEC. 2451. PLAN.**

(a) IN GENERAL.—The Superintendent may develop a plan to establish a residential school for the 1997–1998 school year.

(b) REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District \$2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than \$100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability**SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.**

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student (“Public School Vouchers”) and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships**SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.**

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the “District of Columbia Scholarship Corporation” (referred to in this subtitle as the “Corporation”), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of \$150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) \$5,000,000 for fiscal year 1996; and

(B) \$7,000,000 for fiscal year 1997, and \$10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than \$500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K-12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or
(B) \$3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the pov-

erty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) \$1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) \$500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students;

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition schol-

arship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) DENIAL OF CERTIFICATION.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) EXPLANATION.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(A) BEFORE PAYMENT.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) POLICIES AND PROCEDURES.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia public schools, public charter schools, or

independent or private schools participating in the tuition scholarship program.

(b) **INFORMATION DISSEMINATION.**—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) **STUDY.**—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) **REPORT TO CONGRESS.**—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) **IN GENERAL.**—

(1) **JURISDICTION.**—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) **PROTECTABLE INTERESTS.**—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) **TIMELY REVIEW.**—The court shall render a prompt decision.

(b) **APPEALS.**—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive offi-

cers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) **DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.**—

(1) **ESTABLISHMENT.**—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) **COMPENSATION.**—Members of the council shall serve without compensation.

(3) **DUTIES.**—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) **ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.**—

(1) **IN GENERAL.**—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) **TECHNOLOGY ASSESSMENT.**—

(A) **IN GENERAL.**—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) **CONDUCT OF ASSESSMENT.**—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) **RESULTS OF ASSESSMENT.**—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) **SHORT-TERM TECHNOLOGY PLAN.**—

(A) **IN GENERAL.**—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) **IMPLEMENTATION.**—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) **LONG-TERM TECHNOLOGY PLAN.**—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) **DISTRICT EMPLOYMENT AND LEARNING CENTER.**—

(1) **ESTABLISHMENT.**—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) **DUTIES.**—

(A) **JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.**—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) **CONDUCT OF PROGRAM.**—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with

employers in the District of Columbia metropolitan area.

(C) **COMPENSATION.**—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) **WORKFORCE PREPARATION INITIATIVES.**—

(1) **IN GENERAL.**—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) **CONDUCT OF INITIATIVES.**—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) **PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.**—

(1) **ESTABLISHMENT OF PROGRAM.**—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) **CONDUCT OF PROGRAM.**—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) **OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.**—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) **IN GENERAL.**—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) **CONDUCT OF PROGRAM.**—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, \$1 for every \$1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, \$3 for every \$1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, \$5 for every \$1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—

(1) **DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.**—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) **DEAL CENTER.**—There are authorized to be appropriated to carry out section 2604(c) \$2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) **PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.**—There

are authorized to be appropriated to carry out section 2604(e) \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) **JOBS FOR D.C. GRADUATES PROGRAM.**—There are authorized to be appropriated to carry out section 2605—

(A) \$2,000,000 for fiscal year 1996; and

(B) \$3,000,000 for each of the fiscal years 1997 through 2000.

(b) **AVAILABILITY.**—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) **TERMINATION OF FEDERAL SUPPORT.**—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) **SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.**—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) **POLICY.**—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) **WITHHOLD BENEFITS.**—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, I submit the following for the RECORD.

LEGISLATIVE HISTORY

During the first few months of the 104th Congress, Speaker Newt Gingrich appointed

Representative Steve Gunderson (R-WI) to lead an education task force to help establish a world class education system in the Nation's capital. As a part of the task force activities, Representative Gunderson convened numerous meetings with individuals and interested groups in the District of Columbia, including the office of the Mayor of the District of Columbia, District of Columbia Delegate Eleanor Holmes Norton, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, Board of Education members, educators, union members, parent education reform groups, National education reform experts, and many others.

Additionally, Delegate Eleanor Holmes Norton, together with Speaker Gingrich, convened a town meeting at Eastern High School to hear from District of Columbia citizens about their concerns with the current education system.

Legislatively, the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee held hearings on the subject of District of Columbia education reform on May 12, 1995, June 8, 1995 and June 27, 1995. Witnesses included, among others, the President of the Board of Education, the Superintendent of the District of Columbia Schools, the Committee on Public Education, Parents United for District of Columbia Public Schools, City Council members William Lightfoot and Kathleen Patterson, principals of public schools, the National Urban Coalition, Ted Kolderie of the Center for Policy Studies, the President of the Washington Teachers' Union, the President of the American Federation of Teachers, the Education First Coalition, parents, and a representative of the Office of the Mayor.

The education amendment to the District of Columbia Appropriations legislation is the end product of these meetings and hearings. It represents a balancing of many competing interests, and is designed to transform the current education system into one of the best in the world.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

Subtitle A—District of Columbia Reform Plan

Subtitle A of Title II of the bill requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia School Public System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by School Board President Wilma Harvey and Superintendent Franklin Smith in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Rep. Steve Gunderson on July 13, 1995.

Subtitle A requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8). The legislation requires that the Superintendent consult with the Board of Education, Mayor, District of Columbia Council, and the Authority. The Superintendent is also required to include the public and any interested groups or organizations in the development of this process—similar to the approach outlined by the Superintendent in the District of Columbia's "Planning Guide for Local School Restructuring Teams" report.

The long term report focuses on how the District of Columbia is preparing to become a world-class education system and model for the nation. The legislation asks the Dis-

trict of Columbia to describe how it plans to accomplish certain goals and objectives. Any amendments to the plan shall be submitted by the Superintendent, with the approval of the Board of Education, to Congress and must be consistent with section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

Subtitle B of this amendment authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the DC Council passed, by a vote of 4-0, legislation authorizing the establishment of independent public charter schools. The DC Council legislation is very similar to this subtitle. A recommendation that either the DC Council or Congress enact legislation authorizing independent public charter schools was also included in the reform plan submitted by the Superintendent and the president of the Board of Education on July 13, 1995, to Rep. Steve Gunderson.

Public charter schools represent a new type of public school that maintains the essential elements of public education: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. Public charter schools are different, however, from traditional public schools in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to realize their educational vision for what constitutes a quality education. A public charter school may not charge tuition, except to nonresidents, and must be open to any student regardless of aptitude. A school may limit admission to certain grade-levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

Public charter schools are a key component of a comprehensive reform strategy. Public charter schools would encourage innovation and entrepreneurialism by educators. They would be free from many of the burdensome rules and regulations that educators find interferes with their ability to provide excellence in education. Public charter schools have full control over their day-to-day operations, including budgeting and personnel, but they must be non-sectarian and non-profit. Public charter schools may enter into contracts or leases for any service, but contracts over \$10,000 in value must be reviewed by the District of Columbia Financial Responsibility and Management Assistance Authority.

The amendment also contains safeguards to ensure that a two-tiered system of public schools would not result from the creation of public charter schools. Eligible chartering authorities are required to give special consideration to petitions to establish public charter schools that would focus on students with special needs, such as students with disabilities, disruptive students, or students who have dropped out. In addition, the new funding formula for public education described in subtitle E is expected to result in additional funding for public charter schools serving students with special needs. As a result, I would expect that quality programs would be encouraged that would serve such students, improving equity and raising the quality of their education.

In order to encourage a diversity of public charter schools, as well as to encourage healthy competition, multiple entities must be permitted to approve charter petitions. This subtitle designates as eligible chartering authorities the Board of Education and five public or federally-chartered universities located in the District of Columbia. To ensure common standards of quality, this subtitle designates a detailed list of issues

that petitions to establish public charter schools must address and a uniform procedure for their consideration, regardless of which eligible chartering authority is reviewing such a petition. Mindful of the fact that the legislation passed by the DC Council Education and Libraries Committee also establishes a charter schools commission, which is not included in this Act, this subtitle allows the DC Council to designate additional entities as eligible chartering authorities.

While this subtitle would designate multiple chartering authorities, a common framework for accountability is desirable for public charter schools. Therefore, this subtitle authorizes the Board of Education, upon the recommendation of the Superintendent, to deny renewal of a public charter school if its students are performing below average on the assessments to be established pursuant to subtitle D. Parental choice, informed by a school's performance on the common student assessments and other factors that a parent may deem important, constitutes another important aspect of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement or violation of this Act or other applicable laws.

Within this framework of accountability for results, public charter schools will provide teachers with an unprecedented degree of flexibility and professional opportunity. Public charter schools also offer families a greater degree of choice, enabling parents to select the educational environment that best suits their children's needs. Because charter schools are supported through the enrollment-based per capita funding formula described in subtitle E, a public charter school must satisfy the parents of students enrolled at the school or it will cease to exist.

Subtitle C—Even Start

The inclusion of Even Start as a part of the D.C. schools reform package is a reflection of Rep. Bill Goodling's belief, as well as my own, in the power of family literacy to insure positive educational outcomes for young children. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

In the recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of this country have been found to have minimal basic skills. This is a strong indication that there is a high level of illiteracy in our country. What is of major concern is that many of these individuals are parents.

As a result, it is difficult to believe that any effort to increase the likelihood of school success for young children in the District of Columbia will be completely effective if it does not address the whole family. What is needed is a comprehensive family literacy program which, in addition to parent training, raises the literacy skills of participating adults. The Even Start program meets this criteria.

In order to avoid the duplication of programs serving the District of Columbia, eligibility for the District of Columbia to participate in the basic Even Start Grant program has been eliminated. The current Even Start law has been amended to provide a separate authorization amount for Even Start programs in the District of Columbia. Funding for Even Start programs funded under current law would be maintained under this new authorization.

Under the provisions of this legislation, the Department of Education would be re-

sponsible for selecting grantees and oversight of Even Start projects in the District of Columbia. Five percent of available funds is provided to the Secretary to provide technical assistance to eligible entities, including one or more local nonprofit organizations, to provide technical assistance to eligible entities in the area of community development and coalition building. An additional five percent would be provided to the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

In order to reach those individuals in greatest need of services and families whose children are at greatest risk of educational failure, eligibility for the District of Columbia Even Start Program has been focused on those individuals eligible to participate in an adult education program (i.e. those without a high school diploma or GED or with low levels of literacy). Parents who are still attending, or who are eligible by age to attend, a public school in the District of Columbia are also eligible in order to ensure that they receive an adequate education and, therefore, are able to assist their children to receive the best possible education. It is recognized that teenage parents are at great risk at becoming welfare dependents and that their children often suffer because of their poor parenting skills and low levels of education. Therefore, it is important to include this group of young parents in the list of those eligible for services under this program. However, it is also the intent of this amendment that these teenage parents receive the educational component of the Even Start program as part of the regular education program offered in District of Columbia schools. Further, any child of a parent who meets criteria outlined above and who is under the age of seven is eligible for services.

Finally, a priority is given to targeting services to families living in a school attendance area where schools are conducting a schoolwide program under Title I of the Elementary and Secondary Education Act. In this way, services will be focused on those families in greatest need.

The most recent report distributed by the Department of Education indicated that the average Even Start project did not provide sufficiently intensive instruction and did not obtain significantly greater gains when compared to a control group. Approximately 50 percent of the projects had their adults in adult education for fewer than 9 hours a month. Many parents participating in Even Start have very low literacy levels. It takes between 100 and 150 hours of instruction to raise an individual one grade level. As a result, 9 hours per month is not going to make the type of difference in the lives of participants to enable them to become—and remain—their child's first and most important teacher. Therefore, the District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. It is clear that programs which are of greater intensity produce superior results. Therefore, it is imperative that only those projects which meet this requirement participate in the District of Columbia Even Start program.

In addition, the Chapter I Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires \$225,000 per year to operate. The District of Columbia Program authorization level assumes this level of

funding for each program by limiting the number of projects which can be funded in a given year. Since this legislation eliminates funding for the District of Columbia under the basic Even Start program, the authorization amount for the first year would include funds for the existing Even Start projects as well as six new projects. Funding for the remaining years under this authorization would allow for the addition of six new projects each year as well as continued funding for the original projects.

Projects are also required to meet the matching requirements contained in the basic Even Start law. However, these requirements may be waived, in whole or in part, should the eligible entity demonstrate to the satisfaction of the Secretary that they will otherwise be unable to participate in the program.

Due to inclusion of the match provision, and the possibility that projects will utilize the entire amount appropriated for this purpose, language has been included which provides for a redistribution of excess funds among grant recipients which can demonstrate additional need.

Provision is made for an independent evaluation of the District of Columbia Even Start program in order to determine their effectiveness in providing high quality family literacy services. This evaluation should be completed by March 1, 1999, with an interim report issued by March 1, 1998. The results of the evaluation are to be used for purposes of program improvement and for determining the number of appropriate grants to be awarded by the Secretary in fiscal year 2000. Although the amount authorized assumes a funding level of \$225,000 for each project fund, it may become apparent, after the evaluation, that this amount is higher or lower than necessary to provide high quality Even Start Programs. It is, therefore, important that the Secretary be able to adjust the number of grants awarded to reflect the results of the evaluation.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

Subtitle D provides the assistance and the guidance necessary for the District of Columbia public schools to begin on the path toward a world-class education system. The core of education is the curriculum. While schools should have discretion with respect to some portions of the curriculum, and full discretion with respect to instruction and inputs, there is a legitimate public interest in ensuring that public schools teach students a core of vital concepts, factual knowledge, and skills. This care should address at least the key academic content areas of English, mathematics, science and history. There is a further legitimate public interest in ensuring that students' competence in this core curriculum represent a high level of achievement, in fact that it be world-class.

To assist the District, in particular the Superintendent and Board of Education, in establishing such a core curriculum, a panel of experts is established: the World Class Schools Panel. In order to provide the perspective of parents, one appointee is a parent of a student in the District of Columbia public schools. The proposal to establish such a panel has as its origin the request by the Superintendent and the president of the Board of Education, in a reform plan submitted to Rep. Steve Gunderson on July 13, 1995, for approximately \$2 million for the development of new curricula and assessments. Such a need exists in the District public schools, but a nationally-established panel of experts is the proper vehicle for such an effort. Further, the panel is also directed to recommend model teacher training programs that individuals schools, or the school system, may adopt.

Because even the formal adoption of a high-quality curriculum constitutes only a minimal improvement if there is no way to determine how well students are mastering the curriculum, assessments that provide such information are also vital. To be of maximum use, assessments must inform parents of their child's progress, as well the progress of the child's school. Such information needs to be placed in the context of the performance of other schools, the District, other states, the nation, and especially, other nations that historically perform well on international comparisons of student achievement, such as Germany, France, Japan, and South Korea. Tools useful for developing such assessments are becoming increasingly available, such as through the third international math and science study, now underway, or through publicly-released items from the national assessment. Further, it is also important for such assessments to satisfy professional standards of reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association. To the degree that new assessments address such technical standards, it is also useful to have such assessments exemplify the range of knowledge and skills that students are intended to master in the core curriculum. It is the responsibility of the World Class Schools Panel to develop, or adopt, the appropriate assessments to accomplish these important purposes.

While the Board of Education is free to reject the recommendations of the Panel, if it chooses to do so it must still establish its own core curriculum and assessments that meet the requirements of this subtitle. The establishment of new promotion criteria ("promotion gates") by the Superintendent and Board of Education, another reform included in the reform plan submitted to Rep. Steve Gunderson on July 13, 1995 by the Superintendent and president of the Board of Education, is also required under this amendment. To ensure coherence in the system, the new assessments measuring achievement of the core curriculum will serve as one criterion for such "promotion gates," though not necessarily the only criterion.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

Subtitle E of Title II of the bill directs the District of Columbia to develop a per pupil formula for funding K-12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to a January 1995 report by the District of Columbia Committee on Public Education, "Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures." The report further states that, "By almost any measure, student academic performance has worsened." This information is disturbing and as a result the District of Columbia is directed to establish a uniform formula for funding the education of students enrolled in either public charter schools authorized in subtitle B of this amendment or the District of Columbia School System, and to have the General Accounting Office do an audit of the student enrollment count.

To account for appropriate differences in the costs of educating different types of students, the formula shall take into account such variations for students at different grade levels as well as for students with special needs. The District will define "special needs," but it is expected to address such categories as students with disabilities, students that have dropped out, and highly dis-

ruptive students. Such a formula will clarify and focus decisions regarding funding for public education around students' needs.

For FY 1996, \$75,000 is authorized for the General Accounting Office (GAO) to audit the student enrollment count of the school system. For FY 1996 through FY 2000, \$200,000 is authorized for each year for transition costs associated with starting public charter schools. These funds are necessary due to the school year beginning in September while the fiscal year begins in October, therefore resulting in a one month funding gap for any new public charter school.

Subtitle F—School Facilities Repair and Improvement

Subtitle F of this amendment begins to address the facilities problems that plague the District of Columbia schools. It is appalling that the schools of our Nation's capital have had to be closed, as a result of judicial intervention, because they were deemed unsafe for children. This subtitle encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the District of Columbia schools.

A January 1995 report by the District of Columbia Committee on Public Education entitled "Our Children Are Still Waiting" noted that the "District must generate a sense of urgency in the business and philanthropic community and re-enlist them in targeted support for very particular, concrete school reform goals." Congress agrees with this statement and is asking the General Services Administration to step in and help guide the District of Columbia Public School System through school facilities repair and improvements. It is not the intent of this amendment for Congress to take over the maintenance of the school system, but rather to become a partner with the school system to help repair and improve school facilities. This is not a long-term arrangement, but shall last no more than two years. It is also the expectation of Congress that this partnership will make appropriate use of the "Superintendent's Task Force on the Education Infrastructure for the 21st Century: Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools". As the plan notes, "this preliminary plan is a first step in obtaining the District of Columbia's assessment of its public school facilities, the children served by them and a sense of their entitlement to high quality services."

The report further states that "While this preliminary plan creates a framework for moving forward, it does not complete the planning task. It suggests a considerable departure from business as usual and requires the disciplined coordination among all components of DCPS, other city entities and community stakeholders that are currently intervening to impact both student population trends and quality of life in the city." It is the hope of Congress that this report will be useful as a starting point to complete the task at hand and that cooperation, innovation and efficiency will prevail. Further, it is the hope of Congress that such a revitalization of school facilities will take hold and become a permanent fixture in the school system of our Nation's capital.

Subtitle G—Department of Education "D.C. Desk"

Subtitle G of Title II of the bill requires the Department of Education to establish a "DC Desk" to help coordinate efforts by the District of Columbia school system to apply and receive federal grants. The Director of the DC Desk shall be appointed by the Secretary of Education and shall not be paid more than a GS-15 rate of the General Schedule.

The duties of the Director of the DC Desk shall include coordinating with the Super-

intendent a comprehensive technical assistance strategy, identifying federal grants for which the District of Columbia public schools may be eligible and identifying private and public resources that could be made available to the District of Columbia Public School System and public charter schools established under subtitle B of this amendment. By providing this additional resource at the federal level to the District of Columbia, it is expected that greater resources will be infused into the District of Columbia Public School System to provide new and innovative approaches to learning.

Subtitle H—Residential School

Subtitle H of Title II of the bill authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia. Two million dollars are authorized in FY 1996 to develop and initiate a residential school program, of which no more than \$100,000 may be used for planning purposes.

In a July 13, 1995 reform plan submitted to Representative Steve Gunderson, the president of the District of Columbia Board of Education and the Superintendent of the District of Columbia Public School System proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is my expectation.

Several school systems have public residential schools operating. Chicago is experimenting with the idea in a public housing complex. As the Washington Times reported: "For centuries, the children of the rich have been sent to boarding schools in search of a tightly controlled educational environment . . . Now in Chicago, children of the not-so-well-to-do will soon get to try something similar."

By providing a residential school in the District of Columbia, as has been done in Chicago, Texas, North Carolina and several other jurisdictions, a new alternative will be created for District of Columbia students to learn and thrive. By offering a new opportunity for District of Columbia residents and their children, D.C. children will have another way to succeed in school and in their future.

Subtitle I—Progress Reports and Accountability

Subtitle I of Title II of the bill, requires that no later than 60 days after enactment of this Act, the District of Columbia Council must submit a report to Congress describing actions the Council has taken to facilitate first-year reforms within the District of Columbia Public School system. In order to allow for local legislative discretion as well as responsibility, this amendment does not include a number of legislative components that would facilitate public school reform in the District, including implementation of the first-year reform agenda of the District of Columbia Public School System. In response to this demonstration of respect for the principle of Home Rule, it is the expectation of Congress that the DC Council will act swiftly to enact such legislation following the enactment of this Act by Congress.

Subtitle I also requires that the Superintendent submit to Congress, no later than August 1, 1996, a report regarding the status of implementation of a far-reaching first-year reform agenda. This agenda is based on the reform plan submitted by the Superintendent and the president of the Board of Education to Rep. Steve Gunderson on July 13, 1995, "Accelerating Education Reform in the District of Columbia: Building on BESST." While ambitious, the agenda de-

scribed in this subtitle does not include every single item contained in the July 13, 1995, reform plan, only those that are most critical and of the highest priority. This year, Congress is resisting the temptation to micromanage, abolish or replace the institutions governing the DC Public School System this year, on the expectation that comprehensive reform will be implemented. Over the course of the next year Congress will conduct appropriate oversight. When considering the FY 1997 budget for the District, Congress will evaluate the progress of this implementation and decide whether to intervene more directly to redesign the governance arrangement for public education in the District.

Subtitle J—Low Income Scholarships

Subtitle J of Title II of the bill establishes a low-income scholarship program. Under the program, a non-profit corporation is established to administer two kinds of scholarships for District of Columbia residents: (1) tuition scholarships; and (2) scholarships for after school activities or the costs of transportation. The program is part of a broader education reform package whose goal is to expand the range of choices for low-income families and to improve the quality of education in the District of Columbia. Within this broader framework, existing private and independent schools in the District and surrounding jurisdictions are only one component.

The tuition scholarships will cover the full costs of tuition, up to \$3,000, for students below the poverty level. For students between 100 percent and 185 percent of the poverty level, the scholarship will equal one half the costs of tuition, up to \$1500. Tuition scholarships may be used at participating private schools in the District as well as public or private schools in surrounding jurisdictions.

The scholarships for after school activities or transportation will cover the full costs of such activities, up to \$500. Eligible students are those whose family incomes are no more than 185 percent of the poverty level. Such scholarships are available for use within the District of Columbia at either traditional public schools, public charter schools as established under this legislation, or private schools. Such scholarships are envisioned to be used, among other things, for payment of the costs of after school tutoring, rental of band instruments, the costs of summer school, or the costs of traveling across town to attend a new public charter school.

The corporation established to administer the program is directed to award, to the extent feasible, an equal number of the two types of scholarships (i.e. tuition scholarships and after school or transportation scholarships).

A seven member Board of Directors will oversee the operations of the nonprofit scholarship corporation. Six members are to be appointed by the President from nominations submitted by the Speaker of the House of Representatives and the Majority Leader of the Senate. One member will be appointed by the Mayor of the District of Columbia.

During hearings held by the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee, testimony supporting the scholarship concept was received from several sources. First, at the Subcommittee hearing of June 27, 1995, Eened Simmons, Director of the Office of Policy for the Mayor of the District of Columbia, spoke in favor of private school choice, though with limitations. The Office of the Mayor has advocated meanstesting for any choice program. This amendment recognizes the wisdom of such a provision, and accordingly has made the scholarships available to those families with in-

comes at or below 185 percent of the poverty level.

Second, at the same Subcommittee hearing, Otis Troupe, the Chairman of the Vouchers Committee of the Education First Coalition, strongly endorsed private school choice as a means of improving the education of District children, though he endorsed a different mechanism than that contained in this amendment. He noted:

"I am a particularly enthusiastic proponent of voucher-supported public education. . . . To my mind, a program of voucher-supported fully accredited alternative schools will very quickly bring a flexibility of choice to the sterile landscape of 'non-options' that are currently offered to parents of DC school children. . . . Once operational, vouchers would immediately and drastically expand the choices available to participating parents. Immediately, children in the vouchers program would experience a drastically expanded range of choice [sic] for schools and academic programs."

Because of the concerns of some in the District that a voucher system would remove local public funds and send them to private schools, such an approach is not contained in this amendment. The concept of permitting greater choice among all schools for low-income families who cannot afford choice at present, however, is maintained in this amendment.

Third, the Education and Libraries Committee of the District of Columbia Council responsible for education legislation unanimously (5-0) "embraced," in an official committee report dated July 21, 1995, a Federally-funded scholarship program. It is this approach that is embodied in this subtitle.

Fundamental to the concept of this scholarship program is the maximization of equality of opportunity for low income families. The tuition scholarships will provide such families with the same kinds of choices—including private schools in the District as well as public or private schools in surrounding jurisdictions—that higher income families already have available. The after school activities and transportation scholarships are similarly targeted toward low income families.

Some establishment clause concerns have been expressed regarding whether this amendment provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of section 2553(c) of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This amendment envisions no discrimination for or against private schools on the basis of religion in the operation of this program, but instead neutrality.

Section 2557(a)(1) of the bill prohibits independent and private schools from discriminating on the basis of a student's disabilities if the school is equipped to provide an appropriate education. This part of section 2557(a)(1) is intended to reflect current law requirements under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past 12 years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller v. Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest v. Catalina Foothills School*

Dist., 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic High School.

In these cases, the Court established that such assistance is permissible if (1) the choice where to use assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program fulfills these criteria. Like the G.I. Bill and federal daycare assistance, the choice of where funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools.

The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

Subtitle K—Partnerships With Business

Within the context of limited public resources and an ever increasing demand for additional and more effective services—Subtitle K of Title II is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The centerpiece of this Subtitle is the establishment of the District Education and Learning Technologies Advancement (DELTA) Council. The DELTA council will bring together representatives of business, community leaders, and others willing to contribute time, energy and resources to carry out a variety of activities related to education, training and employment within the District of Columbia.

The DELTA Council, (established by a non-profit corporation selected by the Superintendent of DC schools), has many important functions, including coordinating donations from the private sector so that they are used in a comprehensive and effective manner with full accountability. It is expected that the corporation, through the DELTA council, will not only meet, but surpass, the goals set forth in the legislation to match the Federal grant amount at an increasing rate (up to 5:1) over the three year authorizing period. It is intended that the DELTA council will work with the General Services Administration in the coordination of donated services related to the repair and improvement of schools.

The integration of up-to-the minute educational technology into an inner-city school curriculum has shown impressive results. A recent article in the *National Journal* focused on the impact such an initiative had on schools in Union City, N.J.:

"Bell Atlantic Corp., the Philadelphia-based regional Bell operating company, provided computers and wired the classrooms and homes of students, teachers and administrators to join them all in an electronic network. It then connected the network to the Internet and a host of multi-media education programs. 'We initiated the project to test the technology—which works'; John G. Grady, the manager of Bell Atlantic's Video Service, explained 'But we were surprised in a wonderful way with the educational out-

comes.' Truancy and dropouts plummeted; test scores soared. All the schools in the district raised their levels of attendance and student achievement."

Under this legislation, the DELTA council, in conjunction with the Superintendent, students, parents and teachers will establish and implement strategies to ensure access to state-of-the-art educational technology. This process will begin with a comprehensive technology assessment which, to the extent possible, shall be done pro bono by a qualified private sector firm. Based on this assessment, the DELTA council will facilitate the development of a short-term technology plan to be carried out in conjunction with the schools, students, parents and teachers.

It is recognized that computers, hardware, software and access to emerging technologies do not, by themselves, ensure success. In fact, they are worthless if they are not utilized effectively and constructively. As such, teachers need to be knowledgeable both on how to use these technologies as well as how to teach such technology and the applications of such technology.

Under this legislation this vital link is established through the creation of a Professional Development Program for Teachers and Administrators. This program will bring together teachers, school administrators and universities within the District of Columbia in order to provide professional development for teachers. This training will include private sector training of teachers in the use, application, and operation of state-of-the-art technology in education. This program will also provide training for school principals and other school administrators in effective private sector management practices.

The unemployment rate for 18-25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. Subtitle K provides for the District of Employment and Learning Center, "DEAL Center". The center will provide the district with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a viable option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal program. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. It is further encouraged that the Mayor and other local officials coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is also expected that initiatives will be carried out with District of Columbia Public School System and interested public charter schools at the secondary level to facilitate

the integration of rigorous academic studies with workforce preparation programs. In particular, it is the intent of this amendment to promote the expansion and quality of current high school career academy programs as established in certain District of Columbia schools.

This amendment also recognize the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 youth people in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This amendment provides funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve at least half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

Subtitle L of Title II of the bill authorizes the Mayor to condition welfare benefits on parent attendance and participation in parent-teacher conferences once every 90 days. The Mayor must submit to the Secretary of Health and Human Services a plan for implementation of such a program. The plan must state how the Mayor plans to administer the program, conduct evaluations of the program, monitor the participation of parents, withhold and reinstate benefits, and long-term plans for the program. Beginning October 1, 1996, the District of Columbia is required to annually submit a report to the Secretary of Health and Human Services and Congress on the progress and report of this program.

The idea for such a program arose at one of the many consensus meetings I held to develop this comprehensive reform package. It was suggested by teachers who emphasized the need to ensure greater parent involvement. Further, it is consistent with the overall philosophy of the reforms proposed by District of Columbia school officials. In a July 13, 1995 letter to Representative Steve Gunderson, Mrs. Wilma Harvery, president of the District of Columbia Board of Education, and Franklin Smith, Superintendent of the District of Columbia Public Schools, cited the value of parent involvement in the success of both schools and students. "Parent and community involvement are critical to student and school success . . . Research show parent involvement is a crucial component in school success."

The Carnegie Corporation issued a report in June 1989 entitled "Turning Points: Preparing American Youth for the 21st Century". The report states the need to re-engage families in the education of our children and to have them become more actively involved in the school. "Reversing the downward slide in parent involvement and closing the gulf between parents and school staff with mutual trust and respect are crucial for the successful education of adolescents." It is intended that this subtitle on parental involvement will re-engage parents to become actively involved in the education of their children.

It was decided in the affirmative

Yeas 241
Nays 177
Answered present 1

139.13

[Roll No. 763]

AYES—241

Allard	Gallegly	Morella
Archer	Ganske	Myers
Armey	Gekas	Myrick
Bachus	Gilchrist	Nethercutt
Baker (CA)	Gillmor	Neumann
Baker (LA)	Gilman	Ney
Ballenger	Gingrich	Norwood
Barr	Goodlatte	Nussle
Barrett (NE)	Goodling	Oxley
Bartlett	Goss	Packard
Barton	Graham	Parker
Bass	Greenwood	Paxon
Bereuter	Gunderson	Petri
Bilbray	Gutknecht	Pombo
Bilirakis	Hall (TX)	Porter
Bileley	Hancock	Portman
Blute	Hansen	Pryce
Boehlert	Hastert	Quillen
Boehner	Hastings (WA)	Quinn
Bonilla	Hayes	Radanovich
Bono	Hayworth	Ramstad
Browder	Hefley	Regula
Brownback	Heineman	Riggs
Bryant (TN)	Herger	Roberts
Bunn	Hilleary	Rogers
Bunning	Hobson	Rohrabacher
Burr	Hoekstra	Ros-Lehtinen
Burton	Hoke	Roth
Buyer	Horn	Royce
Callahan	Hostettler	Salmon
Calvert	Houghton	Sanford
Camp	Hunter	Saxton
Canady	Hutchinson	Scarborough
Castle	Hyde	Schaefer
Chabot	Inglis	Schiff
Chambliss	Istook	Seastrand
Chenoweth	Jacobs	Sensenbrenner
Christensen	Johnson (CT)	Shadegg
Chrysler	Johnson, Sam	Shaw
Clinger	Jones	Shays
Coble	Kasich	Shuster
Coburn	Kelly	Skeen
Collins (GA)	Kim	Smith (MI)
Combest	King	Smith (NJ)
Cooley	Kingston	Smith (TX)
Cox	Klug	Smith (WA)
Cramer	Knollenberg	Solomon
Crane	Kolbe	Souder
Crapo	LaHood	Spence
Creameans	Largent	Stearns
Cubin	Latham	Stenholm
Cunningham	LaTourrette	Stockman
Davis	Laughlin	Stump
Deal	Lazio	Talent
DeLay	Leach	Tate
Diaz-Balart	Lewis (CA)	Tauzin
Dickey	Lewis (KY)	Taylor (MS)
Doolittle	Lightfoot	Taylor (NC)
Dornan	Linder	Thomas
Dreier	Lipinski	Thornberry
Duncan	Livingston	Tiahrt
Dunn	LoBiondo	Torkildsen
Ehlers	Longley	Upton
Ehrlich	Lucas	Vucanovich
Emerson	Manzullo	Waldholtz
English	Martini	Walker
Ensign	McCollum	Walsh
Everett	McCrery	Wamp
Ewing	McDade	Watts (OK)
Fawell	McHugh	Weldon (FL)
Fields (TX)	McInnis	Weller
Flanagan	McIntosh	White
Foley	McKeon	Whitfield
Forbes	Meehan	Wicker
Fowler	Metcalf	Wolf
Fox	Mica	Young (AK)
Franks (CT)	Miller (FL)	Young (FL)
Franks (NJ)	Molinari	Zeliff
Frelinghuysen	Montgomery	Zimmer
Frisa	Moorhead	
Funderburk	Moran	

NOES—177

Abercrombie	Becerra	Brown (CA)
Ackerman	Beilenson	Brown (FL)
Andrews	Bentsen	Brown (OH)
Baessler	Bevill	Bryant (TX)
Baldacci	Bishop	Cardin
Barcia	Bonior	Clay
Barrett (WI)	Borski	Clayton
Bateman	Brewster	Clement

Clyburn	Johnson (SD)	Pickett
Coleman	Johnson, E. B.	Pomeroy
Collins (IL)	Johnston	Poshard
Collins (MI)	Kanjorski	Rahall
Condit	Kaptur	Reed
Costello	Kennedy (MA)	Richardson
Coyne	Kennedy (RI)	Rivers
Danner	Kennelly	Roemer
DeFazio	Kildee	Rose
DeLauro	Klecza	Roukema
Dellums	Klink	Roybal-Allard
Deutsch	LaFalce	Rush
Dicks	Lantos	Sabo
Dingell	Levin	Sanders
Dixon	Lewis (GA)	Sawyer
Doggett	Lincoln	Schroeder
Dooley	Lofgren	Schumer
Doyle	Lowe	Scott
Durbin	Luther	Serrano
Edwards	Maloney	Sisisky
Engel	Manton	Skaggs
Eshoo	Markey	Skelton
Evans	Martinez	Slaughter
Farr	Mascara	Spratt
Fattah	Matsui	Stark
Fazio	McCarthy	Studds
Filner	McDermott	Stupak
Flake	McHale	Tanner
Foglietta	McKinney	Tejeda
Ford	McNulty	Thompson
Frank (MA)	Meek	Thornton
Frost	Menendez	Thurman
Furse	Meyers	Torres
Gejdenson	Mfume	Torricelli
Geren	Minge	Towns
Gibbons	Mink	Trafficant
Gonzalez	Mollohan	Velazquez
Gordon	Murtha	Vento
Green	Nadler	Visclosky
Gutierrez	Neal	Volkmer
Hall (OH)	Oberstar	Ward
Hamilton	Oliver	Waters
Harman	Ortiz	Watt (NC)
Hastings (FL)	Orton	Waxman
Hefner	Owens	Williams
Hilliard	Pallone	Wilson
Hinchey	Pastor	Wise
Holden	Payne (NJ)	Woolsey
Hoyer	Payne (VA)	Wyden
Jackson-Lee	Peterson (FL)	Wynn
Jefferson	Peterson (MN)	Yates

ANSWERED "PRESENT"—1

Obey

NOT VOTING—14

Berman	Fields (LA)	Rangel
Boucher	Gephardt	Stokes
Chapman	Miller (CA)	Tucker
Conyers	Moakley	Weldon (PA)
de la Garza	Pelosi	

So the amendment was agreed to.

After some further time,

THE SPEAKER pro tempore, Mr. GUTKNECHT, assumed the Chair.

When Mr. HASTINGS of Florida, Chairman, pursuant to House Resolution 252, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 57, line 23, strike "Section" and insert "(a) IN GENERAL.—Section".

Page 58, insert after line 4 the following:

(b) NO EFFECT ON PETITIONS FOR ADOPTION FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Nothing in section 16-302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Superior Court of the District of Columbia where no other person joins in the petition.

Insert at the appropriate place the following new section: